

By: Faircloth

H.B. No. 1735

Substitute the following for H.B. No. 1735:

By: Fallon

C.S.H.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain election officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g) Following an oral warning to the election judge and with the concurrence of the county chair of the same political party with which the judge is affiliated or aligned, the county clerk may remove, replace, or reassign an election judge who causes a disruption in a polling location or wilfully disobeys the provisions of this code. A vacancy created under this subsection shall be filled in the same manner as an emergency appointment under Section 32.007.

SECTION 2. Section 32.034, Election Code, is amended by adding Subsection (f) to read as follows:

(f) Following an oral warning to the election clerk and with the concurrence of the county chair of the same political party with which the election clerk is affiliated or aligned, the county clerk may remove, replace, or reassign an election clerk who causes a disruption in a polling location or wilfully disobeys the provisions of this code. A vacancy created under this subsection shall be filled by the presiding judge, who shall appoint a replacement election clerk who is affiliated or aligned with the same political party as the original clerk, if possible.

1 SECTION 3. Subchapter A, Chapter 87, Election Code, is
2 amended by adding Section 87.006 to read as follows:

3 Sec. 87.006. EARLY VOTING BALLOT BOARD MEMBERS: OATH AND
4 IDENTIFICATION. (a) A member of the early voting ballot board
5 shall repeat the following oath aloud:

6 "I swear (or affirm) that I will faithfully perform my duty as
7 an officer of the election and guard the purity and integrity of the
8 election."

9 (b) A member of the early voting ballot board who arrives
10 after the oath is made shall repeat the oath aloud before performing
11 any duties as a member.

12 (c) Following administration of the oath, each member of the
13 early voting ballot board shall be issued a form of identification,
14 prescribed by the secretary of state, to be displayed by the member
15 during the member's hours of service on the board.

16 SECTION 4. Subchapter G, Chapter 87, Election Code, is
17 amended by adding Section 87.127 to read as follows:

18 Sec. 87.127. RESOLUTION OF INCORRECT DETERMINATION BY EARLY
19 VOTING BALLOT BOARD. (a) If a county election officer, as defined
20 by Section 31.091, determines a ballot was incorrectly rejected or
21 accepted by the early voting ballot board before the time set for
22 convening the canvassing authority, the county election officer may
23 petition a district court for injunctive or other relief as the
24 court determines appropriate.

25 (b) In an election ordered by the governor or by a county
26 judge, the county election officer must confer with and establish
27 the agreement of the county chair of each political party before

1 petitioning the district court.

2 SECTION 5. Subchapter A, Chapter 127, Election Code, is
3 amended by adding Section 127.0015 to read as follows:

4 Sec. 127.0015. CENTRAL COUNTING STATION OFFICERS: OATH AND
5 IDENTIFICATION. (a) Election officers appointed under this
6 subchapter shall repeat the following oath aloud:

7 "I swear (or affirm) that I will faithfully perform my duty as
8 an officer of the election and guard the purity and integrity of the
9 election."

10 (b) An officer who arrives after the oath is made shall
11 repeat the oath aloud before performing any duties as an election
12 officer.

13 (c) Following administration of the oath, each election
14 officer shall be issued a form of identification, prescribed by the
15 secretary of state, to be displayed by the officer during the
16 officer's hours of service at the central counting station.

17 SECTION 6. This Act takes effect September 1, 2017.